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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,487	07/21/2003	Naoto Shimada	240513US90	4985
22850	7590	12/14/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			SOBUTKA, PHILIP	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/622,487	SHIMADA ET AL.	
	Examiner	Art Unit	
	Philip J. Sobutka	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 October 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Suonvieri (US 6,571,284).

Consider claim 1. Suonvieri teaches a radio relay apparatus for relaying communications between a base station and a mobile station (*Suonvieri see figure 3*) comprising:

a determination unit configured to determine a first identification code used as a temporary identification code of the radio relay apparatus, said first identification code being determined in conjunction with an identification code of the base station that serves as a target to be relayed to/from by the radio relay apparatus (*Suonvieri see figure 3, column 6, lines 20-44, note that Suonvieri's identification is temporary, lasting only until a network update*); and

Suonvieri also teaches the repeater receiving a second identification code determined by the monitoring apparatus (*Suonvieri teaches network updates wherein some or all of the repeater Id are changed to a second id, which would be the formal id until the next update as explained on column 6, lines 20-67, said monitoring apparatus determining the second identification code based on the first identification code*

(Suonvieri teaches both id codes being based on the data of the repeater, as described on column 2, lines 28-50, column 5, lines 8-33), said second identification code being determined to be different from identification codes of other radio relay apparatuses, wherein the second identification code is used as the formal identification code of the radio relay apparatus (Suonvieri teaches the identification code is unique for each repeater, see column 2, lines 28-50, column 5, lines 8-33, column 7, lines 15-30).

As to claim 2, Note that Suonvieri teaches the determination unit combines a part identification code base station and characteristic code of the radio relay apparatus, and uses the combined code as the first identification code (*Suonvieri see figure 3, column 6, lines 20-44*).

As to claim 3 Suonvieri teaches the radio relay apparatus as claimed claim in claim 1, further comprising a modification determination unit configured determine whether the formal identification code of the radio relay apparatus needs to be modified, wherein when the modification determination unit determines that the formal identification code of the radio relay apparatus needs to be modified, the determination unit determines the first identification code used as the temporary identification code of the radio relay apparatus on the basis of an identification code of another base station (*Suonvieri see figure 3, column 6, lines 20-44, note that Suonvieri's update would function as the claimed modification if the update resulted in the repeater being assigned to another base station*).

As to claim 4 Suonvieri teaches the radio relay apparatus as claimed claim in claim 1, further comprising a transmitter configured transmit the monitoring information including the formal identification code of the radio relay apparatus to the monitoring apparatus (*Suonvieri see figure 1, BTS*).

Consider claim 5. Suonvieri teaches a monitoring apparatus for monitoring a mobile communication system including a base station, a mobile station, and radio relay apparatus for relaying communications between the base station and the mobile station, comprising:

a receiver configured to receive a first identification code from the radio relay apparatus used as a temporary identification code of the radio relay apparatus apparatus (*Suonvieri see figure 3, column 6, lines 20-44, note that Suonvieri's identification is temporary, lasting only until a network update*);

Suonvieri also teaches the repeater receiving a second identification code determined by the monitoring apparatus (*Suonvieri teaches network updates wherein some or all of the repeater Id are changed to a second id, which would be the formal id until the next update as explained on column 6, lines 20-67*, said monitoring apparatus determining the second identification code based on the first identification code (*Suonvieri teaches both id codes being based on the data of the repeater, as described on column 2, lines 28-50, column 5, lines 8-33*), said second identification code being determined to be different from identification codes of other radio relay apparatuses, wherein the second identification code is used as the formal identification code of the

radio relay apparatus (*Suonvieri teaches the identification code is unique for each repeater, see column 2, lines 28-50, column 5, lines 8-33, column 7, lines 15-30*).

As to claim 6, Suonvieri teaches the monitoring apparatus as claimed claim in claim 5, wherein the determination unit determines the second identification code that is different from formal identification codes of any other radio relay apparatuses (*Suonvieri see figure 3, column 6, lines 20-44*).

Consider claim 7. Suonvieri teaches a method comprising the steps of: determining, by the radio relay apparatus, a first identification code used as a temporary identification code of the radio relay apparatus in conjunction with an identification code of the base station serving as a target to be relayed to/from (*Suonvieri see figure 3, column 6, lines 20-44, note that Suonvieri's identification is temporary, lasting only until a network update*); and

Suonvieri also teaches the repeater receiving a second identification code determined by the monitoring apparatus (*Suonvieri teaches network updates wherein some or all of the repeater Id are changed to a second id, which would be the formal id until the next update as explained on column 6, lines 20-67*, said monitoring apparatus determining the second identification code based on the first identification code (*Suonvieri teaches both id codes being based on the data of the repeater, as described on column 2, lines 28-50, column 5, lines 8-33*), said second identification code being determined to be different from identification codes of other radio relay apparatuses, wherein the second identification code is used as the formal identification code of the

radio relay apparatus (*Suonvieri teaches the identification code is unique for each repeater, see column 2, lines 28-50, column 5, lines 8-33, column 7, lines 15-30*).

Note that Suonvieri would of course have a transmitter in the base station to transmit the unique code (*Suonvieri see figure 1, BTS*).

Response to Amendment

3. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.
4. note that upon further consideration, it is now considered that Suonvieri alone is sufficient to teach the claimed invention. since this is a new rejection, this action is not being made final.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobotka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4711.

6. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the

examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PHILIP J. SOBUTKA
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